

SECOND REGULAR SESSION

HOUSE BILL NO. 1684

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES LUETKENHAUS AND OSTMANN (Co-sponsors).

Read 1st time January 29, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

3960L.011

AN ACT

To repeal sections 226.225, 313.820, and 313.835, RSMo, relating to gambling admission fees, and to enact in lieu thereof three new sections relating to the same subject, with a contingent effective date.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 226.225, 313.820, and 313.835, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 226.225, 313.820 and 313.835, to read as follows:

226.225. **1.** There is created in the state treasury a "State Transportation Fund". One percent of the sales tax funds designated for highway and transportation use by subsection 2 of section 30(b) of article IV of the state constitution and other funds as are made available by appropriation, grants, bequests or other sources for state transportation purposes other than road and highway construction and maintenance shall be deposited in the state transportation fund. The state transportation fund shall be utilized, as specified by appropriation, by the department of transportation for transportation purposes other than highways. Such purposes may include the locating, relocating, establishing, acquiring, constructing, planning, developing, maintaining or operating public transportation facilities or projects as part of any state or local transportation program, including but not limited to aviation, mass transportation, railroads, ports, waterways, waterborne commerce, and transportation of elderly and handicapped. Funds may be utilized for contracts with any public or private entity to carry out the above or other purposes related to transportation.

2. All moneys received from the two-dollar increase on admission fees for persons

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

15 **embarking on excursion gambling boats pursuant to section 313.820, RSMo, shall be**
16 **credited to the "Public Transit Subaccount Fund" which is hereby created in the state**
17 **treasury. Such moneys received pursuant to section 313.820, RSMo, shall be used for**
18 **maintaining or operating public transportation facilities or projects. Ten percent of such**
19 **moneys received pursuant to section 313.820, RSMo, shall be appropriated to the division**
20 **of mental retardation and developmental disabilities to provide transportation services for**
21 **those with developmental disabilities.**

313.820. 1. An excursion boat licensee shall pay to the commission an admission fee
2 of [two] **four** dollars for each person embarking on an excursion gambling boat with a ticket of
3 admission. One dollar of such fee shall be deposited to the credit of the gaming commission
4 fund as authorized pursuant to section 313.835, and one dollar of such fee shall not be considered
5 state funds and shall be paid to the home dock city or county. **Beginning on the effective date**
6 **of this section, two dollars of such fee shall be deposited to the credit of the public transit**
7 **subaccount fund established pursuant to section 226.225, RSMo.** Subject to appropriation,
8 one cent of such fee deposited to the credit of the gaming commission fund may be deposited to
9 the credit of the compulsive gamblers fund created pursuant to the provisions of section 313.842.
10 Nothing in this section shall preclude any licensee from charging any amount deemed necessary
11 for a ticket of admission to any person embarking on an excursion gambling boat. If tickets are
12 issued which are good for more than one excursion, the admission fee shall be paid to the
13 commission for each person using the ticket on each excursion that the ticket is used. If free
14 passes or complimentary admission tickets are issued, the excursion boat licensee shall pay to
15 the commission the same fee upon these passes or complimentary tickets as if they were sold at
16 the regular and usual admission rate; however, the excursion boat licensee may issue fee-free
17 passes to actual and necessary officials and employees of the licensee or other persons actually
18 working on the excursion gambling boat. The issuance of fee-free passes is subject to the rules
19 of the commission, and a list of all persons to whom the fee-free passes are issued shall be filed
20 with the commission.

21 2. All licensees are subject to all income taxes, sales taxes, earnings taxes, use taxes,
22 property taxes or any other tax or fee now or hereafter lawfully levied by any political
23 subdivision; however, no other license tax, permit tax, occupation tax, excursion fee, or taxes
24 or fees shall be imposed, levied or assessed exclusively upon licensees by a political subdivision.
25 All state taxes not connected directly to gambling games shall be collected by the department of
26 revenue. Notwithstanding the provisions of section 32.057, RSMo, to the contrary, the
27 department of revenue may furnish and the commission may receive tax information to
28 determine if applicants or licensees are complying with the tax laws of this state; however, any
29 tax information acquired by the commission shall not become public record and shall be used

30 exclusively for commission business.

313.835. 1. All revenue received by the commission from license fees, penalties,
2 administrative fees, reimbursement by any excursion gambling boat operators for services
3 provided by the commission and admission fees authorized pursuant to the provisions of sections
4 313.800 to 313.850, except that portion of the admission fee, not to exceed one cent, that may
5 be appropriated to the compulsive gamblers fund as provided in section 313.820, **and except**
6 **that portion of the admission fee which is deposited to the credit of the public transit**
7 **subaccount fund established pursuant to section 226.225, RSMo**, shall be deposited in the
8 state treasury to the credit of the "Gaming Commission Fund" which is hereby created for the
9 sole purpose of funding the administrative costs of the commission, subject to appropriation.
10 Moneys deposited into this fund shall not be considered proceeds of gambling operations.
11 Moneys deposited into the gaming commission fund shall be considered state funds pursuant to
12 article IV, section 15 of the Missouri Constitution. All interest received on the gaming
13 commission fund shall be credited to the gaming commission fund. In each fiscal year, total
14 revenues to the gaming commission fund for the preceding fiscal year shall be compared to total
15 expenditures and transfers from the gaming commission fund for the preceding fiscal year. The
16 remaining net proceeds in the gaming commission fund shall be distributed in the following
17 manner:

18 (1) The first five hundred thousand dollars shall be appropriated on a per capita basis to
19 cities and counties that match the state portion and have demonstrated a need for funding
20 community neighborhood organization programs for the homeless and to deter gang-related
21 violence and crimes;

22 (2) The remaining net proceeds in the gaming commission fund for fiscal year 1998 and
23 prior years shall be transferred to the "Veterans' Commission Capital Improvement Trust Fund",
24 as hereby created in the state treasury. The state treasurer shall administer the veterans'
25 commission capital improvement trust fund, and the moneys in such fund shall be used solely,
26 upon appropriation, by the Missouri veterans' commission for:

27 (a) The construction, maintenance or renovation or equipment needs of veterans' homes
28 in this state;

29 (b) The construction, maintenance, renovation, equipment needs and operation of
30 veterans' cemeteries in this state;

31 (c) Fund transfers to Missouri veterans' homes fund established pursuant to the
32 provisions of section 42.121, RSMo, as necessary to maintain solvency of the fund;

33 (d) Fund transfers to any municipality with a population greater than four hundred
34 thousand and located in part of a county with a population greater than six hundred thousand in
35 this state which has established a fund for the sole purpose of the restoration, renovation and

36 maintenance of a memorial or museum or both dedicated to World War I. Appropriations from
37 the veterans' commission capital improvement trust fund to such memorial fund shall be
38 provided only as a one-time match for other funds devoted to the project and shall not exceed
39 five million dollars. Additional appropriations not to exceed ten million dollars total may be
40 made from the veterans' commission capital improvement trust fund as a match to other funds
41 for the new construction or renovation of other facilities dedicated as veterans' memorials in the
42 state. All appropriations for renovation, new construction, reconstruction, and maintenance of
43 veterans' memorials shall be made only for applications received by the Missouri veterans'
44 commission prior to July 1, 2004;

45 (e) The issuance of matching fund grants for veterans' service officer programs to any
46 federally chartered veterans' organization or municipal government agency that is certified by
47 the Veterans Administration to process veteran claims within the Veterans Administration
48 System; provided that such veterans' organization has maintained a veterans' service officer
49 presence within the state of Missouri for the three-year period immediately preceding the
50 issuance of any such grant. A total of seven hundred fifty thousand dollars in grants shall be
51 made available annually with grants being issued in July of each year. Application for the
52 matching grants shall be made through and approved by the Missouri veterans' commission
53 based on the requirements established by the commission;

54 (f) For payment of Missouri national guard and Missouri veterans' commission expenses
55 associated with providing medals, medallions and certificates in recognition of service in the
56 armed forces of the United States during World War II pursuant to sections 42.170 to 42.190,
57 RSMo. Any funds remaining from the medals, medallions and certificates shall be used to pay
58 for the buglers at veteran burials; and

59 (g) Fund transfers totaling ten million dollars to any municipality with a population
60 greater than three hundred fifty thousand inhabitants and located in part in a county with a
61 population greater than six hundred thousand inhabitants and with a charter form of government,
62 for the sole purpose of the construction, restoration, renovation and maintenance of a memorial
63 or museum or both dedicated to World War I.

64 Any interest which accrues to the fund shall remain in the fund and shall be used in the same
65 manner as moneys which are transferred to the fund pursuant to this section. Notwithstanding
66 the provisions of section 33.080, RSMo, to the contrary, moneys in the veterans' commission
67 capital improvement trust fund at the end of any biennium shall not be transferred to the credit
68 of the general revenue fund;

69 (3) The remaining net proceeds in the gaming commission fund for fiscal year 1999 and
70 each fiscal year thereafter shall be distributed as follows:

71 (a) Three million dollars shall be transferred to the veterans' commission capital

72 improvement trust fund;

73 (b) Three million dollars shall be transferred to the Missouri national guard trust fund
74 created in section 41.214, RSMo;

75 (c) Three million dollars shall be transferred to the Missouri college guarantee fund,
76 established pursuant to the provisions of section 173.248, RSMo, and additional moneys as
77 annually appropriated by the general assembly shall be appropriated to such fund;

78 (d) Subject to appropriations, one hundred percent of remaining net proceeds in the
79 gaming commission fund except as provided in paragraph (l) of this subdivision, shall be
80 transferred to the "Early Childhood Development, Education and Care Fund" which is hereby
81 created to give parents meaningful choices and assistance in choosing the child-care and
82 education arrangements that are appropriate for their family. All interest received on the fund
83 shall be credited to the fund. Notwithstanding the provisions of section 33.080, RSMo, moneys
84 in the fund at the end of any biennium shall not be transferred to the credit of the general revenue
85 fund. Any moneys deposited in such fund shall be used to support programs that prepare
86 children prior to the age in which they are eligible to enroll in kindergarten, pursuant to section
87 160.053, RSMo, to enter school ready to learn. All moneys deposited in the early childhood
88 development, education and care fund shall be annually appropriated for voluntary, early
89 childhood development, education and care programs serving children in every region of the
90 state not yet enrolled in kindergarten;

91 (e) No less than sixty percent of moneys deposited in the early childhood development,
92 education and care fund shall be appropriated as provided in this paragraph to the department of
93 elementary and secondary education and to the department of social services to provide early
94 childhood development, education and care programs through competitive grants to, or contracts
95 with, governmental or private agencies. Eighty percent of such moneys pursuant to the
96 provisions of this paragraph and additional moneys as appropriated by the general assembly shall
97 be appropriated to the department of elementary and secondary education and twenty percent of
98 such moneys pursuant to the provisions of this paragraph shall be appropriated to the department
99 of social services. The departments shall provide public notice and information about the grant
100 process to potential applicants.

101 a. Grants or contracts may be provided for:

102 (i) Start-up funds for necessary materials, supplies, equipment and facilities; and

103 (ii) Ongoing costs associated with the implementation of a sliding parental fee schedule
104 based on income;

105 b. Grant and contract applications shall, at a minimum, include:

106 (i) A funding plan which demonstrates funding from a variety of sources including
107 parental fees;

108 (ii) A child development, education and care plan that is appropriate to meet the needs
109 of children;

110 (iii) The identity of any partner agencies or contractual service providers;

111 (iv) Documentation of community input into program development;

112 (v) Demonstration of financial and programmatic accountability on an annual basis;

113 (vi) Commitment to state licensure within one year of the initial grant, if funding comes
114 from the appropriation to the department of elementary and secondary education and
115 commitment to compliance with the requirements of the department of social services, if funding
116 comes from the department of social services; and

117 (vii) With respect to applications by public schools, the establishment of a parent
118 advisory committee within each public school program;

119 c. In awarding grants and contracts pursuant to this paragraph, the departments may give
120 preference to programs which:

121 (i) Are new or expanding programs which increase capacity;

122 (ii) Target geographic areas of high need, namely where the ratio of program slots to
123 children under the age of six in the area is less than the same ratio statewide;

124 (iii) Are programs designed for special needs children;

125 (iv) Are programs that offer services during nontraditional hours and weekends; or

126 (v) Are programs that serve a high concentration of low-income families;

127 d. Beginning on August 28, 1998, the department of elementary and secondary education
128 and the department of social services shall initiate and conduct a four-year study to evaluate the
129 impact of early childhood development, education and care in this state. The study shall consist
130 of an evaluation of children eligible for moneys pursuant to this paragraph, including an
131 evaluation of the early childhood development, education and care of those children participating
132 in such program and those not participating in the program over a four-year period. At the
133 conclusion of the study, the department of elementary and secondary education and the
134 department of social services shall, within ninety days of conclusion of the study, submit a report
135 to the general assembly and the governor, with an analysis of the study required pursuant to this
136 subparagraph, all data collected, findings, and other information relevant to early childhood
137 development, education and care;

138 (f) No less than ten percent of moneys deposited in the early childhood development,
139 education and care fund shall be appropriated to the department of social services to provide
140 early childhood development, education and care programs through child development,
141 education and care certificates to families whose income does not exceed one hundred
142 eighty-five percent of the federal poverty level in the manner pursuant to 42 U.S.C.
143 9858c(c)(2)(A) and 42 U.S.C. 9858n(2) for the purpose of funding early childhood development,

144 education and care programs as approved by the department of social services. At a minimum,
145 the certificate shall be of a value per child which is commensurate with the per child payment
146 under item (ii) of subparagraph a. of paragraph (e) of this subdivision pertaining to the grants or
147 contracts. On February first of each year the department shall certify the total amount of child
148 development, education and care certificates applied for and the unused balance of the funds
149 shall be released to be used for supplementing the competitive grants and contracts program
150 authorized pursuant to paragraph (e) of this subdivision;

151 (g) No less than ten percent of moneys deposited in the early childhood development,
152 education and care fund shall be appropriated to the department of social services to increase
153 reimbursements to child-care facilities for low-income children that are accredited by a
154 recognized, early childhood accrediting organization;

155 (h) No less than ten percent of the funds deposited in the early childhood development,
156 education and care fund shall be appropriated to the department of social services to provide
157 assistance to eligible parents whose family income does not exceed one hundred eighty-five
158 percent of the federal poverty level who wish to care for their children under three years of age
159 in the home, to enable such parent to take advantage of early childhood development, education
160 and care programs for such parent's child or children. At a minimum, the certificate shall be of
161 a value per child which is commensurate with the per child payment under item (ii) of
162 subparagraph a. of paragraph (e) of this subdivision pertaining to the grants or contracts. The
163 department of social services shall provide assistance to these parents in the effective use of early
164 childhood development, education and care tools and methods;

165 (i) In setting the value of parental certificates under paragraph (f) of this subdivision and
166 payments under paragraph (h) of this subdivision, the department of social services may increase
167 the value based on the following:

168 a. The adult caretaker of the children successfully participates in the parents as teachers
169 program pursuant to the provisions of sections 178.691 to 178.699, RSMo, a training program
170 provided by the department on early childhood development, education and care, the home-based
171 Head Start program as defined in 42 U.S.C. 9832 or a similar program approved by the
172 department;

173 b. The adult caretaker consents to and clears a child abuse or neglect screening pursuant
174 to subdivision (1) of subsection 2 of section 210.152, RSMo; and

175 c. The degree of economic need of the family;

176 (j) The department of elementary and secondary education and the department of social
177 services each shall by rule promulgated pursuant to chapter 536, RSMo, establish guidelines for
178 the implementation of the early childhood development, education and care programs as
179 provided in paragraphs (e) through (i) of this subdivision;

180 (k) Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
181 is promulgated under the authority delegated in paragraph (j) of this subdivision shall become
182 effective only if the agency has fully complied with all of the requirements of chapter 536,
183 RSMo, including but not limited to, section 536.028, RSMo, if applicable, after August 28, 1998.
184 All rulemaking authority delegated prior to August 28, 1998, is of no force and effect and
185 repealed as of August 28, 1998, however, nothing in this section shall be interpreted to repeal
186 or affect the validity of any rule adopted or promulgated prior to August 28, 1998. If the
187 provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and
188 if any of the powers vested with the general assembly pursuant to section 536.028, RSMo, to
189 review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held
190 unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed
191 and contained in the order of rulemaking shall be invalid and void, except that nothing in this
192 act shall affect the validity of any rule adopted and promulgated prior to August 28, 1998;

193 (l) When the remaining net proceeds, as such term is used pursuant to paragraph (d) of
194 this subdivision, in the gaming commission fund annually exceeds twenty-seven million dollars,
195 one and one-half million dollars of such proceeds shall be transferred annually, subject to
196 appropriation, to the Missouri college guarantee fund, established pursuant to the provisions of
197 section 173.248, RSMo.

198 2. Upon request by the veterans' commission, the general assembly may appropriate
199 moneys from the veterans' commission capital improvements trust fund to the Missouri national
200 guard trust fund to support the activities described in section 41.958, RSMo.

Section B. Section A of this act shall become effective only upon approval by the voters
2 of an amendment to article III, Constitution of Missouri, authorizing the imposition of admission
3 fees on persons embarking upon excursion gambling boats for public transit purposes and not
4 otherwise.